

1 MICHAEL K. MONAHAN
2 7750 Marie Way
3 Sparks, Nevada 89436
4 Telephone: (775) 846-0331
5 Email: mikemonahan@sbcglobal.net
6 Appearing Pro Se
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12 **UNITED STATES BANKRUPTCY COURT**
13 **DISTRICT OF NEVADA**
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18 In Re:

Case No.: BK-N-24-50300-hlb
Chapter 11 Subchapter V

19 BREITMEYER FABRICATIONS, INC.,

20 **NOTICE OF OBJECTION TO MOTION**
21 **FOR ORDER COMPELLING**
22 **TURNOVER OF PROPERTY OF THE**
23 **ESTATE**

24 Debtor.

Hearing Date: October 2, 2024
Hearing Time: 2:30 p.m.

25
26 MICHAEL K. MONAHAN (hereinafter referred to as "MONAHAN") has been unable to
27 retain counsel for representation in this matter, and due to the time deadline for filing a
28 response/objection to the MOTION FOR ORDER COMPELLING TURNOVER OF
PROPERTY OF THE ESTATE, does hereby appear Pro Se for the purpose of submitting this
NOTICE OF OBJECTION TO THE MOTION FOR ORDER COMPELLING TURNOVER OF
PROPERTY OF THE ESTATE filed by KEVIN A. DARBY, ESQ., of Darby Laws Practice,
Inc., (hereinafter referred to as "DARBY") counsel of record for Debtor and debtor in
possession, BREITMEYER FABRICATIONS, INC., the same of which was filed/entered in the

1 above entitled case on August 29, 2024, with attached Declarations of MARTIN W.
2 BREITMEYER, III and KEVIN A. DARBY, ESQ., as well as Exhibits referred to and included
3 therewith.
4

5 This Notice of Objection to Debtor's Motion for Order Compelling Turnover of Property
6 of the Estate is made and based upon the following several factors:

7 1) That although BREITMEYER owes MONAHAN in excess of the amount of
8 Three Hundred Thousand Dollars (\$300,000.00), Debtor failed to list MONAHAN as a creditor
9 in this bankruptcy action and therefore, MONAHAN never received any type of notice or
10 information that BREITMEYER was even filing for bankruptcy.
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12 2) That the first pleading ever received by MONAHAN in this matter was the
13 Motion for Order Compelling Turnover of Property of the Estate which contained untrue facts
14 and omissions; two (2) Declarations in support thereof submitted by MARTIN W.
15 BREITMEYER, III, and his counsel of record, KEVIN A. DARBY, ESQ., both of which
16 contained incomplete and factually untrue statements, as well as partial documents referred to as
17 Exhibits; and a Notice of Remote Hearing which has been set for October 2, 2024 at the hour of
18 2:30 p.m.
19

20 3) That due to BREITMEYER's failure to include MONAHAN as a creditor in this
21 matter, MONAHAN missed the filing deadline to be included in this bankruptcy proceeding.
22

23 4) That DARBY sets forth in number 8 of the Factual Bankground (Page 3, line 6)
24 that MONAHAN informed him that he disputed some of the equipment listed on Debtor's
25 Equipment list. This was due to the fact that when BREITMEYER submitted (what is believed
26 to be his THIRD) SBA Loan Application Package, he included a completely different
27 Equipment List that MONAHAN had never seen, nor approved. The Equipment List
28

1 BREITMEYER submitted with his loan application was much longer and contained many
2 personal items belonging to MONAHAN that had nothing to do with the sale of the business.

3 5) That contrary to the information set forth in number 9 of the Factual Bankground
4 (Page 3, line 9) of DARBY's Motion to Compel, MONAHAN has never refused, nor failed, to
5 surrender any property belonging to Debtor's bankruptcy estate. (Please see copy of email
6 between MONAHAN and DARBY attached hereto as Exhibit "A")
7

8 6) That as previously stated above, this Objection is being filed Pro Se to hopefully
9 preserve the rights of MONAHAN to object to Debtor's Motion to Compel, as well as allowing
10 him time to retain proper representation in this matter.
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12 DATED this 17th day of September, 2024.


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17 MICHAEL K. MONAHAN
18 Appearing Pro Se
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CERTIFICATE OF SERVICE

That I am, and was when the herein described mailing took place, a citizen of the United State, over 18 years of age, and not a party to, nor interested in, the within action; that on September 17, 2024, I served a true and correct copy of the foregoing NOTICE OF OBJECTION TO MOTION FOR ORDER COMPELLING TURNOVER OF PROPERTY OF THE ESTATE by depositing a copy of the above-referenced document for mailing in the United States Mail, first class postage prepaid, at Reno, Nevada, to the parties listed below, at their last known mailing addresses:

KEVIN A. DARBY, ESQ.
Darby Law Practice, Ltd.
499 West Plumb Lane
Suite 202
Reno, Nevada 89509

DATED this 17th day of September, 2024.


HEATHER S. BOYD

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EXHIBIT "A"

Re: Breitmeyer

From: Mike Monahan (mikemonahan@sbcglobal.net)

To: kevin@darbylawpractice.com

Date: Saturday, May 25, 2024 at 10:09 PM PDT

Mr. Darby:

I received a copy of the Equipment Inventory List which was enclosed with the letter sent to my home address. I can tell you this list is not accurate and I am willing to discuss that with you at your convenience. However, there items listed that Mr. Breitmeyer left behind/abandoned and you are more than welcome to pick up the same immediately.

Additionally, the enclosures received with the letter you mailed to me at 1615 Marietta Way in Sparks included three (3) separate Orders of Discharge for Debra A. Wilson aka Debra Hernandez; Shirley Bobiles-Ronian; and Allison G. Pallach dba Allison G. Pallach, A Sole Proprietorship - along with two (2) copies (one of which was signed and dated) of the U.S. Bankruptcy Court - District of Nevada - Chapter 13 Debtor's Certificate of Compliance Regarding Plan Payments, Domestic Support Obligations and Section 522(q) In re Stephen S. Wift and Jacob S. Peck - Case No. 19-50721. Would you like me to return said documents or shred them?

Sincerely,

MIKE MONAHAN

On Tuesday, May 21, 2024 at 12:59:35 PM PDT, Kevin A. Darby, Esq. <kevin@darbylawpractice.com> wrote:

Mike:

Thank you again for speaking with me about this case. As we discussed, attached is the equipment list that should have been enclosed with the letter. Please review and let me know if you do not have any of the items.

Respectfully,

KEVIN A. DARBY, ESQ.

DARBY LAW PRACTICE, LTD.

499 W. Plumb Lane - Suite 202

Reno, NV 89509

Tel.: 775.322.1237

Fax: 775.996.7290

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